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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/586,480	06/01/2000	Frank Reisinger	P00.0955	8303

7590 09/14/2004

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EXAMINER

CHARLES, DEBRA F

ART UNIT PAPER NUMBER

3628

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/586,480

Applicant(s)

REISINGER, FRANK

Examiner

Debra F. Charles

Art Unit

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

1. Claim 1 has been amended.

***Response to Arguments***

2. In response to the attorney's comment on Aas showing a method for controlling a switch on the parallel port of a computer, in which the attorney feels Aas does not reflect the serial device of the applicant's invention. Since modems have only two lines connected to the communications link, one of which is the transmit/receive line, and as a result, it would be obvious to transmit data serially; in fact, modems have always worked this way. That the invention uses a data line that directly connects the scale and postage meter vs. Kubatzki et al.'s use of parallel ports is a distinction that is not relevant here because Kubatzki et al.'s invention produces the same result – transmitting data from one device to another device. That the data does not go through the I/O is not relevant because the data is not transformed as it is transmitted.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, direct access memory (DMA) is old and well-known as indicated in Schwartz et al.(U.S. 5615120A), a

prior art cited below, but not applied to this invention. Further, the Kubatzhi et al. reference does indicate in Fig. 4a and throughout the document that the scale could be internal or external.

The Gil reference is used to illustrate that combining an electronic postage computing scale and postage meter is old and well-known in the mailing arts.

The attorney indicates the motivation to combine the Aas reference and the Kubatzki et al. reference is too general. The motivation to combine the two references is that Kubatzki et al. discloses a scale and postage meter connected to a computer as in Fig. 1 and this is the same situation the inventor has – one of a scale and a postage meter connected via wiring to the computer. Since Aas refers to a PC and Kubatzki et al. refers to a PC, the inventions combined both work with a PC to perform the weighing for the scale and the postage calculation.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4,6-12 and 14 are rejected under 35 U.S.C. 103(a) as being

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unpatentable over Kubatzki et al.(EP 0805 419 A2) (EP 0805 419 A2), Aas(U.S.PAT. 5754881 A) and Gil (U.S. PAT. 4868757A). The examiner is using U.S.PAT. 6298337 A also Kubatzki et al. as the translation for Kubatzki et al. (EP 0805 419 A2) and is using the line and column numbers from the Kubatzki et al.(EP 0805 419 A2) reference.

Re claim 1: Kubatzki et al.(EP 0805 419 A2) disclose an arrangement for loading rate table data comprising:

a postage meter(Abstract, col. 4, lines 10-50);

an external scale having a postage calculator(col. 1, line 40-col. 2, line 15);

a serially-operating modem which receives rate table data from an external source(col. 10, lines 5-20, Fig. 4b,esp. item 2037).

Kubatzki et al.(EP 0805 419 A2) disclose(s) the claimed invention except a switchover module connected between said postage meter, said scale and said modem and having a control line for setting a switching state of said switchover module to selectively serially conduct downloading of rate table data directly from said external source to the postage calculator exclusively via the modem and the switchover module. However, in Abstract, Fig. 5, item 530, col. 1, lines 55-col. 2, line 25, and col. 2, line 65-col. 3, line 65 thereof, Aas disclose(s) a method for controlling a switch on the parallel port of a computer to select between multiple peripherals and peripherals include modems, meters and scales. It would be obvious to one of ordinary skill in the art to modify the invention of Kubatzki et al.(EP 0805 419 A2) based on the teachings of Aas. The motivation to combine these references is to effectively control the flow of data into the

postage meter or scale. Further, as indicated in Gil in col. 1, lines 10-20, a combination of an electronic postage computing scale, and a postage meter that can be electronically activated and sets itself on the denomination is old and well-known in the mailing art.

Re claim 2: Kubatzki et al.(EP 0805 419 A2) disclose a postage meter machine containing said postage meter(Abstract, col. 4, lines 10-50).

Kubatzki et al.(EP 0805 419 A2) disclose(s) the claimed invention except wherein said switchover module is contained within said postage meter machine. However, in the Abstract, Fig. 5, item 530, col. 1, lines 55-col. 2, line 25, and line 65-col. 3, line 65 thereof, Aas disclose a switchover module that controls data flow into peripheral devices. It would be obvious to one of ordinary skill in the art at the time the invention was made to use a switchover module that controls data flow into peripheral devices since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

Re claim 3: Kubatzki et al.(EP 0805 419 A2) disclose postage meter machine(Abstract, col. 4,lines 40-50) comprises an input/output control module(Fig. 4b, esp. item 209a) containing a modem interface and a scale interface(col. 1, line 45-col. 2, line 26), and wherein said postage calculator comprises a postage calculator interface(col. 2, lines 915), connected between said modem interface(col. 1, line 45-col. 2, line 26, col. 10, lines 5-20, Fig. 4b,esp. item 2037), said scale interface and said

postage calculator interface and said scale comprising means for supplying a signal to switch to a switching state wherein said postage calculator, via said postage calculator interface, directly receives said rate table data (Fig. 4b, esp. item 2037).

Kubatzki et al.(EP 0805 419 A2) disclose(s) the claimed invention except switchover module and said control line. However, in the Abstract, Fig. 5, item 530, col. 1, lines 55-col. 2, line 25, and col. 2, line 65-col. 3, line 35 thereof, Aas disclose(s) a switchover module that controls data flow into peripheral devices. It would be obvious to one of ordinary skill in the art to modify the invention of Kubatzki et al.(EP 0805 419 A2) based on the teachings of Aas. The motivation to combine these references is to effectively control the flow of data into the postage meter or scale.

Re claim 4: Kubatzki et al.(EP 0805 419 A2) disclose a first contact group connected to said modem, and connected to said modem interface(col. 1, line 45-col. 2, line 26, col. 10, lines 5-20, Fig. 4b, esp. item 2037) to said postage calculator interface and to said scale interface, for operating said to set said switching state dependent on a signal(col. 1, lines 45-col. 2, line 10).

Kubatzki et al.(EP 0805 419 A2) disclose(s) the claimed invention except switchover module and a driver connected to said control line. However, in the Abstract, Fig. 5, item 530, col. 1, lines 55-col. 2, line 25, and col. 2, line 65-col. 3, line 65 thereof, Aas disclose(s) a switchover module that controls data flow into peripheral devices and a control line responding to toggling of a data line and this inherently includes a driver in the equipment. It would be obvious to one of ordinary skill in the art to modify the

invention of Kubatzki et al.(EP 0805 419 A2) based on the teachings of Aas. The motivation to combine these references is to effectively control the flow of data into the postage meter or scale. Further, first set of four lines, a second contact group connected and second set of four lines, first and second contact groups are old and well-known in the peripherals art because the various groupings of lines effectively enable connecting with multiple peripheral devices.

Re claim 6: Kubatzki et al.(EP 0805 419 A2) disclose(s) the claimed invention control line is also connected to said calculator interface, which supplies said signal on said control line to set said switching state of said switchover module. However, in the Abstract, Fig. 5,item 530, col. 1, lines 55-col. 2, line 25, and col. 2, line 65-col. 3, line 65 thereof, Aas disclose(s) a switchover module that controls data flow into peripheral devices and a control line connecting computer devices that perform calculation. It would be obvious to one of ordinary skill in the art to modify the invention of Kubatzki et al.(EP 0805 419 A2) based on the teachings of Aas. The motivation to combine these references is to effectively control the flow of data into the postage meter or scale using a line with toggle responsiveness that ensures proper data flow throughout the system.

Re claim 7: Kubatzki et al.(EP 0805 419 A2) disclose scale comprises a keyboard having(Fig. 2, item 2), said keyboard being at least indirectly connected(Fig. 2, item 2,4,22,23,i.e. personal computer inherently has keyboard built in) to said postage calculator interface to cause said rate table data to be directly supplied to said postage calculator(col. 1, line 45-67, col. 10, lines 5-20, Fig. 4b,esp. item 2037).



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Kubatzki et al.(EP 0805 419 A2) disclose(s) the claimed invention except an actuatable selection key and actuation of said selection key causing said signal to be generated on said control line for setting said switching state of said switching module. However, in the Abstract, Fig. 5, item 530, col. 1, lines 55-col. 2, line 25, and col. 2, line 65-col. 3, line 65, col. 7, lines 15-35, i.e. a PC inherently has a keyboard thereof, Aas disclose(s) predetermined toggling sequence generated within the PC which controls the control line, and switching state and switching module. It would be obvious to one of ordinary skill in the art to modify the invention of Kubatzki et al.(EP 0805 419 A2) based on the teachings of Aas. The motivation to combine these references is Aas enhances the features of Kubatzki et al. to make the system more effective and efficient in handling the control line of the switchover module.

Re claim 8: Kubatzki et al.(EP 0805 419 A2) disclose a postage calculator operates with existing rate table data and wherein said rate table data from said external source(col. 10, lines 5-20, Fig. 4b,esp. item 2037) comprise updated rate table data, and wherein said postage calculator includes a first memory area wherein said existing rate table data are stored and a second memory area wherein said updated rate table data are stored after actuation of said selection key, said updated rate table data including conversion data identifying an effective date of the updated rate table data, and said postage calculator having a third memory area in which said conversion data are stored (Abstract, i.e. "memories" means more than one memory, col. 6, lines 24-col. 7, line 30) and said postage calculator automatically replacing said existing rate table data with said updated rate table data at a time of first use of said postage

calculator following said effective date(col. 1, lines 45-65,i.e. adding an effective date to the downloaded information is old and well-known in computer arts, col. 4, lines 10-50).

Re claim 9: Kubatzki et al.(EP 0805 419 A2) disclose updated rate table data further include data representing additional information, and wherein said postage calculator has a fourth memory area for storing said data representing additional information (Abstract, i.e. "memories" means more than one memory, col. 6, lines 24-col. 7, line 30, col. 7, line 55col. 8,line 11).

Re claim 10: Kubatzki et al.(EP 0805 419 A2) disclose said scale comprises a clock/date module connected to said postage calculator, and wherein said postage calculator is programmed to automatically compare a date supplied by said clock/date module with said conversion data and to replace said existing rate table data with said updated rate table data when said conversion data equal or follow said date supplied by said clock/date module(col. 1, lines 40-57, ,i.e. adding an effective date to the downloaded information is old and well-known in computer arts, col. 6, lines 5-57).

Re claim 11: Kubatzki et al.(EP 0805 419 A2) disclose a postage meter machine containing said postage meter(Abstract, col. 4, lines 10-50), and wherein said modem(col. 11, lines 930, Fig. 4b,esp. item 2037).

Kubatzki et al.(EP 0805 419 A2) disclose(s) the claimed invention except switchover module is disposed externally of said postage meter machine. However, in Abstract, Fig. 5, item 530, col. 1, lines 55-col. 2, line 20, line 20-col. 3, line 65 thereof, Aas disclose(s) a switchover module that is external to the PC and this is the same as a

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switchover module external to the postage meter machine or to any machine. It would be obvious to one of ordinary skill in the art to modify the invention of Kubatzki et al.(EP 0805 419 A2) based on the teachings of Aas. The motivation to combine these references is to enhance the efficiency and effectiveness of the switchover function by placing it outside of the machine to which it sends data.

Re claim 12: Kubatzki et al.(EP 0805 419 A2)

disclose said scale with said postage calculating module(col. 1, line 40-col. 2, line 15) is external from said postage meter machine(Abstract, col. 4, lines 10-50).

Re claim 14: Kubatzki et al.(EP 0805 419 A2) disclose in said postage calculator(col. 1, line 25-col. 2, line 10) are combined and are both disposed externally from said postage meter machine(Abstract, col. 4, lines 10-50).

Kubatzki et al.(EP 0805 419 A2) disclose(s) the claimed invention except said switchover module. However, in Abstract, Fig. 5, item 530, col. 1, lines 55-col. 2, line 20, line 20-col. 3, line 65 thereof, Aas disclose(s) switchover module. It would be obvious to one of ordinary skill in the art to modify the invention of Kubatzki et al.(EP 0805 419 A2) based on the teachings of Aas. The motivation to combine these references is to pro-actively control the flow of data from one point to another point.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kubatzki

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et al.(EP 0805 419 A2), Aas and Gil as applied to claim 4 above, and further in view of Rothstein (U.S.PAT. 4485439 A).

Kubatzki et al.(EP 0805 419 A2) disclose(s) the claimed invention except said postage calculator interface comprises an RS-232 interface, and wherein each of said first and second sets of four lines comprises a TXD transmission line, an RXD reception line, a DTR reception readiness line, and a DSR transmission readiness line. However, in the Abstract, col. 1, lines 40-50, col. 4, lines 55-67, col. 6, lines 45-67 thereof, Rothstein discloses RS-232 interface, TXD, RXD, DTR and DSR lines that are used to connect equipment. It would be obvious to one of ordinary skill in the art to modify the invention of Kubatzki et al.(EP 0805 419 A2), Aas and Gil based on the teachings of Rothstein. The motivation to combine these references is to effectively control the flow of data into the postage meter or scale with various different transmission lines to permit flexibility in transmission. Although Rothstein does not mention a postage calculator, it does indicate various electronic devices are connected to the RS-232, TXD, RXD, DTR and DSR interfaces and lines.

5. Claim 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Kubatzki et al.(EP 0805 419 A2) and Aas as applied to claim 11 above, and further in view of Ezzet et al.(U.S. PAT. 5414817 A).

Kubatzki et al.(EP 0805 419 A2) disclose said external modem(col. 10, lines 5-20, Figs. 2, item 23, 4a, item 23 and 4b,esp. item 2037).

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Kubatzki et al.(EP 0805 419 A2) disclose(s) the claimed invention except said switchover module. However, in Abstract, Fig. 5, item 530, col. 1, lines 55-col. 2, line 20, line 20-col. 3, line 65 thereof, Aas disclose(s) switchover module. It would be obvious to one of ordinary skill in the art to modify the invention of Kubatzki et al.(EP 0805 419 A2) based on the teachings of Aas. The motivation to combine these references is to pro-actively control the flow of data from one point to another point. Further, as indicated in Ezzet et al. in col. 1, lines 30-55, a docking station and its inherent functionality as a modem is old and well-known in the computer art. It would be obvious to combine functional equipment in the docking station in the combination of Kubatzki et al., Aas and Gil because such a station already contains functional equipment that interacts with the computer and combining the equipment enhances operational functionality of the equipment since the data travels only a short distance to move from one piece of equipment to the next.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schwartz et al. (U.S. 5615120A) shows an electronic postage scale and system.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not


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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (703) 305-4718. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (703) 308-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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